

## **A Bill**

To specifically authorize the Secretary of the Interior to strengthen cooperative conservation efforts and to reduce barriers to the use of partnerships to enable federal natural resource managers to meet their obligations, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### **SECTION 1. SHORT TITLE**

This Act may be cited as the “Cooperative Conservation Enhancement Act”.

### **SEC. 2. FINDINGS AND PURPOSES.**

(a) FINDINGS.—Congress finds that –

(1) Fostering innovation, emphasizing partnerships, creating incentives for stewardship, drawing on information from local citizens, and providing integrated decision-making frameworks that involve states and localities in federal decision-making are successful cooperative conservation strategies that help conserve our Nation’s natural resources and protect our environment.

(2) Americans favor environmental protection and natural resource management achieved through cooperation over conflict, which is the goal of cooperative conservation.

(3) Successful conservation policies reside in the efforts of citizens to maintain healthy lands and waters and the wildlife that depend on them, in particular, in the actions of citizens in their own backyards, at their places of recreation and work, on farms and ranches, and in communities across the Nation.

(4) To ensure long-term benefits and to meet program goals, it is important for federal, state, and local officials to tap the ingenuity, imagination, and innovative spirit of citizens at the local level; this is where the resolution to many conservation challenges lies.

(5) Cooperative conservation represents a proven, and necessary, approach to achieving conservation goals, and includes the people who engage in activities on public and private lands and established measures by which to judge whether actions have truly improved the environment, enhanced natural resources, maintained healthy local communities, and fostered dynamic economies.

(6) Through cooperative conservation, benefits to the environment and natural resources are measured by results on the ground, in the water, and in the air.

(7) Cooperative conservation emphasizes cooperative problem solving, incentives, and cooperation over prescriptive rules.

(8) Cooperative conservation respects property rights, contracts, and compacts.

(9) Actions taken by the Executive Branch to further cooperative conservation have begun to show tangible results in addressing the challenges that citizens and federal land managers are facing as they work to improve lands, waters, and wildlife habitat through partnered problem solving.

(10) It is the intent of Congress to recognize the importance of enhancing means available to landowners, states, tribes, and federal land managers to achieve improvements to the environment and natural resources through cooperative conservation.

(11) The Secretary of the Interior is generally authorized to undertake many activities with partners to conserve natural resources and protect the environment, but that

specific authorization to accomplish these goals through cooperative conservation would reinforce the importance of these goals.

(b) PURPOSES.—The purposes of this Act are –

(1) to strengthen and advance the Department of the Interior’s commitment to the improvement of the environment and enhancement of natural resources through cooperative conservation efforts;

(2) to advance successful models of cooperative conservation by ensuring clear, but flexible, authority for programs currently carried out by the Department through its bureaus under many disparate authorities;

(3) to expand the use of cooperative conservation by providing the Secretary of the Interior with new authorities to better promote conservation partnerships with private individuals, organizations, and government entities;

(4) to further the use of partnerships to help the Department’s land and natural resource managers better meet their obligations;

(5) to promote conservation partnership capacity building; and

(6) to authorize the use of collaborative problem-solving and alternative dispute resolution in the Department’s bureaus and offices.

### **SEC. 3. DEFINITIONS.**

In this Act –

(1) COOPERATIVE CONSERVATION- The term ‘cooperative conservation’ means actions that relate to the use, enhancement, and enjoyment of natural resources, protection of the environment, or both, and that involve collaborative activity among

federal, state, local, and tribal governments, private for-profit and non-profit institutions, other non-governmental entities, or individuals.

(2) DEPARTMENT- The term ‘Department’ means the Department of the Interior.

(3) SECRETARY- The term ‘Secretary’ means the Secretary of the Interior.

## **TITLE I—WORKING LANDSCAPE PROJECTS**

### **SEC. 101. SHORT TITLE.**

This title may be cited as the “Working Landscape Projects Act of 2007.”

### **SEC. 102. DEFINITIONS.**

In this title—

(1) ADMINISTRATIVE SERVICES- The term ‘administrative services’ is defined to include services and costs associated with the operations of activities authorized under this section. These services and costs shall include, but shall not be limited to, meeting announcements, copying, and personnel and reasonable rental costs for facilities necessary for implementing this title. Such services and costs shall be consistent with applicable federal rules, regulations, and guidance.

(2) INFORMATION DISSEMINATION ACTIVITIES- The term ‘information dissemination activities’ is defined to include broadcasting the announcement of meetings and the distribution of reports, memos, and other relevant information necessary for carrying out the authorities under this title.

(3) GOVERNANCE ACTIVITIES- The term ‘governance activities’ is defined as those activities required to ensure the operation and implementation of projects described under this title. Such activities include, but are not limited to, hiring personnel to coordinate project

implementation; providing oversight and monitoring of projects and project goals; performing adaptive management techniques on projects; coordinating activities with various partners; performing scientific oversight of projects, including commissioning scientific studies; and requesting data from federal, state, and local government officials, non-profit organizations, and private individuals.

(4) LANDSCAPE PROJECT PARTNER- The term ‘landscape project partner’ is defined as a representative of federal, state, or tribal governments, private landowners or corporations, or those of non-profit organizations.

### **SEC. 103. AUTHORIZATION FOR ADMINISTRATIVE, GOVERNANCE, AND INFORMATION DISSEMINATION PURPOSES.**

(a) IN GENERAL.—(1) The Secretary is authorized, through a competitive process, to directly fund or reimburse landscape project partners for the development or maintenance of necessary administrative services, governance activities, and information dissemination activities necessary for the implementation of a landscape project.

(2) Such funding shall not exceed 3 years for a particular project.

(3) In order to qualify for administrative funding, a project shall include participation by representatives from a diversity of individuals and organizations, including government, must affect several jurisdictions or land ownerships, and must have the potential for advancing cooperative conservation across a geographical area.

(b) ELIGIBLE PROJECTS.—(1) Such projects may include –

(A) established cooperative projects that have a documented record of success and demonstrated leadership and organizational capacity;

(B) existing conservation projects that are at the stage of forming

partnerships and require sustained capacity building; or

(C) new or proposed projects that have a plan for establishing partnerships and developing landscape-based projects.

(c) CRITERIA.—Eligible applications shall –

(1) exhibit a clear purpose;

(2) demonstrate, or have a plan for establishing, partnerships which include representation of key interests through multiple partners;

(3) use, or plan to use in the future, coordinated management with federal and other partners;

(4) have developed performance goals and objectives consistent, where appropriate, with Departmental goals;

(5) have developed a plan for implementing, monitoring, and evaluating achievement of project performance goals and objectives;

(6) include non-federal partners who commit resources to the project such as technical resources or other funds, in-kind services, contributions of individuals' time, or meeting support;

(7) demonstrate processes, practices, and outcomes that can have general application by federal agencies and other non-federal entities;

(8) receive federal funding through a competitive process established by the Secretary; and

(9) have or expect to develop a plan for phasing to an alternative non-federal source of funds to sustain the partnership at the conclusion of the federal partnership period.

(d) CONSERVATION PROJECT COORDINATOR.—(1) Within three months after the date of enactment of this title, the Secretary may designate a Department of the Interior employee as a Conservation Project Coordinator, who shall –

(A) serve as the primary federal coordinator of the projects that receive funding under this section; and

(B) oversee and encourage the expedited review and execution of any and all federal decisions associated with such projects, including the issuance of necessary guidance, decision memoranda, regulations, and other activities, as necessary.

(2) The Coordinator may also carry out such other related cooperative conservation related activities and projects as the Secretary deems appropriate.

(3) All actions carried out by the Coordinator shall be related to the authorized programs and activities of the Department.

## **SEC. 104. FUNDING.**

For the purpose of implementing section 103 and from amounts available for programs identified in the President’s annual budget submission as Cooperative Conservation Programs, the Secretary is authorized to use –

(1) up to 5 percent of the funds made available for fiscal year 2008;

(2) up to 6 percent of the funds made available for fiscal year 2009; and

(3) up to 7 percent of the funds made available for fiscal year 2010.

## **TITLE II—LANDOWNER CONSERVATION ASSISTANCE MEASURES**

## **SEC. 201. ESTABLISHMENT, USE, AND OPERATION OF CONSERVATION BANKS**

(a) SHORT TITLE.—This Section may be cited as the “Conservation Bank Program Act”.

(b) DEFINITIONS.—In this Section—

(1) BANK OPERATOR- The term ‘bank operator’ means any public or private entity responsible for operating or managing a conservation bank under an agreement with a bank sponsor.

(2) BANK SPONSOR- The term ‘bank sponsor’ means any public or private entity responsible for establishing and, in most circumstances, operating or managing a conservation bank and for ensuring that the conservation bank complies with all applicable laws.

(3) CONSERVATION BANK.- The term ‘conservation bank’ means a parcel of land that –

(A) contains natural resource values that are ecologically suitable with regard to topographic features, habitat quality, compatibility of existing and future land use activities surrounding the bank, species use of the area, or any other factors determined to be relevant by the Secretary for achieving mitigation of specified species listed pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*) or candidates for listing under that Act;

(B) is conserved and operated or managed in perpetuity through a conservation easement held by a bank sponsor which is responsible for enforcing the terms of the easement for specified species listed pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*) or which are candidates for listing under that Act; and



(C) is used to offset impacts occurring elsewhere to the same resource values on non-conservation bank lands.

(4) CONSERVATION BANK AGREEMENT- The term ‘conservation bank agreement’ means a legally enforceable written agreement between the conservation bank sponsor and, if applicable, operator, and the Secretary that identifies the conditions and criteria under which the conservation bank will be established and operated or managed.

(5) CONSERVATION BANK REVIEW TEAM- The term ‘Conservation Bank Review Team’ means the interagency group that can include federal, state, tribal, and local regulatory and resource agency representatives that are signatories to a conservation bank agreement and which oversee the establishment, use, and operation of a conservation bank.

(6) CREDIT- The term ‘credit’ means a unit of measure representing the quantification of species or habitat conservation values within a conservation bank.

(c) CONSERVATION BANKING- (1) The Secretary, acting through the United States Fish and Wildlife Service, shall select the members of and convene a Conservation Bank Review Team to evaluate for acceptance proposals received from bank sponsors to establish conservation banks according to criteria that the Secretary shall establish in accordance with subsection (d) of this section.

(2) If the Conservation Bank Review Team recommends a proposal, it shall present the proposal to the Secretary, who may modify or accept the proposal.

(3) If the Secretary accepts the proposal, the Secretary may enter into a conservation bank agreement and is responsible for establishing the terms under which the conservation bank will operate.

(4) Representatives on the Conservation Bank Review Team must unanimously agree in order for an acceptance to be transmitted to the Secretary.

(d) CRITERIA FOR CONSERVATION BANKS.- In determining whether to approve a conservation bank proposal, a Conservation Bank Review Team shall consider such factors as the Secretary determines are appropriate, including whether the conservation bank would –

(1) provide an economically effective process that provides options to landowners to offset the adverse effects of proposed projects to species covered by the conservation bank;

(2) provide adequate mitigation for the species through such strategies as preservation, management, restoration of degraded habitat, connecting of separated habitats, buffering of already protected areas, creation of habitat, and other appropriate actions;

(3) be of sufficient size to ensure the maintenance of ecological integrity in perpetuity; and

(4) provide funding assurances to provide for the conservation bank's perpetual operation, management, monitoring, and documentation costs.

(e) CONSERVATION BANK AGREEMENT REQUIREMENTS.- The bank agreement must –

(1) include a requirement for adequate funding, as determined by the Secretary, to provide for the conservation bank's perpetual operation, management, monitoring, and documentation costs;

(2) specify the exact legal location of the conservation bank and its service area;

(3) specify how credits will be established and managed;

(4) include a requirement that the bank sponsor submit, at the Secretary's request, periodic statements detailing the finances of the conservation bank; and

(5) require submission to the Secretary of periodic monitoring reports on implementation of the conservation bank agreement and such other matters as the Secretary may prescribe.

(f) JUDICIAL REVIEW.—Any party to an agreement entered into under this section may bring an action for violation of that agreement in the United States District Court for the District of Columbia.

(g) EFFECT ON EXISTING CONSERVATION BANKS.—Conservation banks established prior to the enactment of this section are not required to comply with the criteria in this law, except where such conservation banks create new conservation banks that are separate from the existing bank

### **TITLE III—PROMOTING PARTNERSHIPS**

#### **SEC. 301. COOPERATION WITH OUTSIDE ENTITIES**

Except as otherwise provided, in carrying out existing programs within the sums appropriated for such purposes, the Secretary of the Interior or his designee is authorized to:

(a) provide assistance to, and cooperate with, federal, state, local, public or private agencies, organizations, or individuals or Indian tribes for purposes of carrying out any measures that clearly and directly contribute to achieving conservation or natural resource management-related mission and performance goals of the Department or its bureaus; and

(b) accept donations of land and or interests in land in furtherance of the purposes of this section.

#### **SEC. 302. ABILITY TO EXPEND FUNDS TO BENEFIT DEPARTMENT LANDS**

(a) AUTHORIZATION OF ACTIVITIES.—In carrying out existing programs within the sums

appropriated for such purposes, the Secretary or his designee is authorized to carry out activities on non-federally owned lands provided those activities directly benefit the resource values and management of federal lands, including, but not limited to –

(1) the preservation, conservation, and restoration of coastal and riparian systems, watersheds, and wetlands;

(2) the prevention, control, or eradication of invasive exotic species that occupy adjacent non-federal lands; or

(3) the restoration of natural resources, including native wildlife habitat.

(b) LIMITATIONS.—Such activities may only be conducted with the written permission of the landowner, and must clearly and directly benefit the specific Interior Department land management unit by directly contributing to the programmatic and performance goals of that unit.

(c) INELIGIBLE ACTIVITIES.—Eligible activities shall not include the construction of permanent capital improvements or acquisition of land.

(d) RELATIONSHIP TO EXISTING PROGRAMS.—Nothing in this section supersedes or otherwise affects or alters the authority provided in Title V of this Act.

### **SEC. 303. PUBLICIZING AND PROVIDING NON-FINANCIAL ASSISTANCE TO PARTNERSHIPS**

(a) IN GENERAL.—In carrying out existing programs within the sums appropriated for such purposes, the Secretary or his designee is authorized to –

(1) publicize partnership programs and opportunities through publication of announcements in newspapers of general circulation, in the Federal Register, or such other methods as the Secretary determines are appropriate; and

(2) provide non-financial assistance to private individuals who are establishing nonprofit groups that are intended to support the mission of a bureau or of a particular management unit of a bureau, such as a park or refuge.

(b) CLARIFICATIONS.— (1) Nothing shall authorize a Department employee to establish a nonprofit entity or other corporate entity to support the Department’s mission, including by acting as an incorporator, founding board member, or by assuming any management or fiduciary responsibilities with respect to any such nonprofit or corporate entity.

(2) Nothing in this section shall waive the application of the provisions of 18 U.S.C. 1913.

## **SEC. 304. CENTERS OF EXCELLENCE FOR PARTNERSHIP LEARNING.**

(a) DEFINITION.—In this section,

(1) CENTER OF EXCELLENCE FOR PARTNERSHIP LEARNING.—The term ‘Center of Excellence for Partnership Learning’ or ‘Center’ means a federal facility that is identified by the appropriate Secretary as meeting criteria established under this section and which provides federal employees and their partners the opportunity to learn cooperative conservation-related best practices.

(b) IN GENERAL.—(1) In carrying out existing programs within the sums appropriated for such purposes, the Secretary of the Interior and the Secretary of Agriculture may identify as Centers of Excellence for Partnership Learning sites under their jurisdiction that meet the criteria in subsection (b) with the purpose of providing federal employees and partners, including state and local government employees, non-profit employees, private sector employees, and

employees of Indian tribes, the opportunity to learn the best practices involved in creating successful partnerships and a culture of collaboration.

(2) Each Center identified under this section may develop and host a schedule of activities including, but not limited to –

(A) visits;

(B) seminars and other educational courses; and

(C) opportunities for details or job swaps.

(3) To the maximum extent practicable, each Center shall develop and accept applications for participation in Center activities from employees of the Department of the Interior or the Department of Agriculture or of their partnering entities on a first-come, first-served basis.

(c) CRITERIA FOR IDENTIFYING CENTERS OF EXCELLENCE FOR PARTNERSHIP LEARNING.—

Each Center shall be identified based on the following criteria –

(1) Partnership culture has been successfully integrated into the organization, and is not dependent on any particular individual.

(2) The organization has demonstrated partnership success stories that relate to identified partnership competencies.

(3) The organization has the capacity to host and teach others from the participating agencies.

(4) The organization agrees to a schedule of hosting activities.

(5) The organization is willing to host follow-up activities with participating individuals.

(d) INCENTIVES FOR PARTICIPATION.—(1) The respective Secretary for each Center identified in this section is authorized to accept and use reimbursement from the participating agencies and partnering entities for the cost of operating the program.

(2) The respective Secretary for each Center is authorized to provide reimbursement of travel and per diem expenses to federal employees who participate in Center activities.

## **SEC. 305. PARTNERSHIP ROSTER.**

(a) IN GENERAL.— (1) The Secretary of the Interior and the Secretary of Agriculture may establish and make available to the public a multi-agency roster with the goal of enhancing capacity for partnerships and collaborative actions.

(2) The partnership roster authorized under this section will provide non-financial assistance and information to government agencies, private sector organizations, and the public in a variety of areas, including –

(A) identification and understanding of statutory and regulatory authorities;

(B) development and implementation of agreements and contracts used in Department of the Interior and Department of Agriculture programs;

(C) creation and management of non-profit support groups;

(D) diversification and strengthening of agency funding through the use of partnerships, matching funds, and other devices;

(E) allowable avenues for and uses of private philanthropy;

(F) development of a partnership-focused workplace;

- (G) building of community connections and fostering of citizen engagement through the use of partnerships;
- (H) allowable avenues for donor recognition;
- (I) development of communication skills; and
- (J) conflict management and collaborative management.

## **TITLE IV – COOPERATION AMONG FEDERAL AGENCIES**

### **SEC. 401. SERVICE FIRST AUTHORITY.**

(a) IN GENERAL.— The Secretary of the Interior, through the Directors of the Bureau of Land Management, the U.S. Fish and Wildlife Service, and the National Park Service, and the Secretary of Agriculture, through the Chief of the U.S. Forest Service, may –

- (1) conduct projects, planning, permitting, leasing, including leasing of real property and office space, contracting and other activities, either jointly or on behalf of one another;
- (2) co-locate in federal offices and facilities leased or owned by an agency of either Department;
- (3) promulgate special rules for issuance of unified permits, applications, and leases; and
- (4) share or transfer equipment, vehicles, or other personal property.

(b) DELEGATION OF AUTHORITY.— Consistent with section 403, the Secretaries of the Interior and Agriculture may make reciprocal delegations of their respective authorities, duties and responsibilities in support of the activities authorized in this title to promote customer service and efficiency.



## **SEC. 402. USE OF FUNDS.**

(a) IN GENERAL.—In carrying out the provisions of this title, the Secretaries of the Interior and Agriculture may make transfers of funds available and reimbursement of funds on an annual basis among the Bureau of Land Management, the U.S. Fish and Wildlife Service, the National Park Service, and the U.S. Forest Service, including transfers and reimbursements for multi-year projects that involve one or more of those agencies.

(b) LIMITATION.—The authority provided in this title may not be used to circumvent requirements and limitations imposed on the use of funds.

## **SEC. 403. CONSTRUCTION.**

Nothing in this title shall alter, expand or limit the applicability of any public law or regulation to lands administered by the participating agencies of either Department.

## **TITLE V – COOPERATIVE ASSISTANCE**

## **SEC. 501. FISH AND WILDLIFE SERVICE COASTAL PROGRAM.**

(a) DEFINITIONS.—In this Section –

(1) IMPORTANT COASTAL HABITAT- The term ‘Important Coastal Habitat’ means habitat in coastal ecosystems that supports or will support after protection or restoration threatened and endangered species, fishery resources under the Department’s jurisdiction, and migratory birds. The term also includes the Great Lakes, Pacific Islands and the Caribbean, and bays, estuaries, coastal streams and wetlands, shore, and terrestrial habitats within coastal areas.

(2) COASTAL PROGRAM PARTNERS- The term ‘coastal program partners’ means individuals, groups, or agencies, such as, but not limited to, land conservancies, community organizations, businesses, conservation organizations, private landowners, local or state

governments, and federal agencies, including any partnerships or consortia of these individuals, groups, or agencies, who agree to work on habitat restoration or protection strategies under this program.

(3) PRIORITY SPECIES- The term ‘priority species’ means threatened and endangered species, fishery resources under the Department’s jurisdiction, and migratory birds.

(4) PROJECT- The term ‘project’ means a project carried out under the authority of this section in cooperation with coastal program partners and which has the primary purpose of conserving important coastal habitat, and which may include habitat restoration and other technical assistance.

(5) TECHNICAL ASSISTANCE—The term ‘technical assistance’ means biological and habitat assessments, inventories, project coordination, monitoring, mapping, grant writing, and habitat restoration expertise.

(6) HABITAT RESTORATION.—The term “habitat restoration” means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural functions to the lost or degraded native habitat.

(b) COASTAL PROGRAM.—The Secretary is authorized to carry out the Coastal Program within the United States Fish and Wildlife Service to assess, conserve, and restore important coastal habitats for the benefit of priority species. Projects carried out under this authority may include activities to identify, evaluate, and map important coastal habitat, to assist community efforts by providing assessment and planning tools to identify important coastal habitats that are a priority for protection and restoration, and to provide both technical assistance and financial assistance, primarily through cooperative agreements, to coastal program partners to plan and

implement projects that benefit coastal wetland, estuaries, upland, and stream habitats important to priority species.

(c) COORDINATION.—The Secretary shall, where appropriate, coordinate with interested federal agencies on the program authorized under this section.

## **SEC. 502. COOPERATIVE CONSERVATION CHALLENGE COST-SHARE.**

(a) DEFINITIONS.—In this section –

(1) HABITAT ENHANCEMENT - The term ‘habitat enhancement’ means the manipulation of the physical, chemical, or biological characteristics of a native habitat to change, so as to heighten, intensify, or improve, a specific function or seral stage of the native habitat. The term ‘habitat enhancement’ does not include regularly scheduled and routine maintenance and management activities.

(3) HABITAT ESTABLISHMENT - The term ‘habitat establishment’ means the manipulation of physical, chemical, or biological characteristics of a project site to create and maintain habitat that did not previously exist on the project site.

(4) HABITAT IMPROVEMENT - The term ‘habitat improvement’ includes restoring or artificially providing physiographic, hydrological, or disturbance conditions necessary to establish or maintain native plant and animal communities, including periodic manipulations to maintain intended habitat conditions on completed project sites.

(5) HABITAT RESTORATION - The term ‘habitat restoration’ means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural functions to the lost or degraded native habitat.

(b) CHALLENGE COST-SHARE AGREEMENT AUTHORITY.—

(1) IN GENERAL.—The Secretary, acting through the United States Fish and Wildlife Service, the National Park Service, or the Bureau of Land Management, is authorized to negotiate and enter into cooperative arrangements with any state or local government, Indian tribe, public or private agency, organization, institution, corporation, individual, or other entity to carry out on a public-private cost sharing basis on-the ground conservation activities, including but not limited to functions and responsibilities relating to habitat improvement, habitat restoration, habitat enhancement, and habitat establishment on public or private lands.

(2) PRIVATE LANDS.—Projects carried out on private lands require –

(A) express permission from landowners;

(B) a clear and direct benefit to the specific Departmental land management unit entering into the arrangement through the direct contribution to the programmatic and performance goals of that unit; and

(C) that the project be adjacent to, or in close proximity to, lands administered by the Department.

(3) EFFECT ON EXISTING LAWS.—Nothing in this Section shall be construed to supersede, modify, or repeal existing laws providing additional cost-share authorities.

(4) COST-SHARING.—(A) The federal share for a project authorized under this section may not exceed 50 percent and shall be provided on a matching basis.

(B) The non-federal share for a project authorized under this section may be satisfied by the provision of cash, services, or in-kind contributions.

## **SEC. 503. WATER MANAGEMENT IMPROVEMENT ACT.**

(a) SHORT TITLE.— This Section may be cited as the “Bureau of Reclamation Water Management Improvement Act.”

(b) AUTHORIZATION OF GRANTS AND COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—The Secretary is authorized to enter into grants and cooperative agreements with states, tribes, irrigation districts, water districts, or other organizations with water delivery authority to fund up to 50 percent of the cost of planning, designing, or constructing improvements that will conserve water, increase water use efficiency, facilitate water markets, enhance water management, or implement other actions to prevent water-related crises or conflicts in watersheds that have a nexus to federal water projects within the states identified in section 1 of the Reclamation Act of 1902 (Act of June 17, 1902, 32 Stat. 388, chapter 1093) as amended and supplemented (43 U.S.C. 371 et seq.).

(2) CRITERIA.— Grants and cooperative agreements entered into pursuant to this authority shall meet the following criteria –

(A) When such improvements are to federally-owned facilities, funds provided under any such grant or cooperative agreement may be provided on a non-reimbursable basis to an entity operating affected transferred works or may be deemed non-reimbursable for non-transferred works.

(B) Title to improvements made to federally-owned facilities shall be held by the United States.

(C) The calculation of the non-federal contribution shall provide for consideration of the value of any in-kind contributions which the

Secretary determines materially contribute to the completion of the proposed action, but shall not include funds received from other federal agencies.

(D) The cost of operating and maintaining improvements for which funding is provided shall be the responsibility of the non-federal entity.

(E) The United States shall not be held liable by any court for monetary damages of any kind arising out of any act, omission, or occurrence relating to non-federally owned facilities created or improved under this section, except for damages caused by acts of negligence committed by the United States or by its employees or agents. Nothing in this section increases the liability of the United States beyond that provided in chapter 171 of title 28, United States Code (popularly known as the Federal Tort Claims Act).

(c) RELATIONSHIP TO PROJECT-SPECIFIC AUTHORITY.—This section shall not supersede any existing project-specific funding authority.

(d) RESEARCH AGREEMENTS.—The Secretary is also authorized to enter into cooperative agreements with universities, non-profit research institutions, or organizations with water or power delivery authority to fund research to conserve water, increase water use efficiency, or enhance water management under such terms and conditions as the Secretary deems appropriate.

(e) MUTUAL BENEFIT.—Grants or cooperative agreements made pursuant to this section may be for the mutual benefit of the United States and the other party.

(f) AUTHORIZATION OF APPROPRIATIONS. —There is authorized to be appropriated

\$100,000,000 to carry out the purposes of this section, to remain available until expended.

(g) RECLAMATION LAW.—This section shall amend and supplement the Act of June 17, 1902 (32 Stat. 388, chapter 1093) and Acts supplementary thereto and amendatory thereof (43 U.S.C. 371 et seq.).

## **SEC. 504. TAX TREATMENT OF COOPERATIVE ASSISTANCE.**

(a) IN GENERAL- Subsection (a) of section 126 of the Internal Revenue Code of 1986 is amended by redesignating paragraph (10) as paragraph (11) and by inserting after paragraph (9) the following new paragraph:

‘(10) Cooperative assistance programs administered by the Secretary of the Interior to conserve threatened or endangered species, as identified under the Endangered Species Act of 1973 (16 U.S.C. 1531, et seq.), imperiled species, or to protect or restore habitat carried out under –

‘(A) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.),

‘(B) the Fish and Wildlife Act of 1956 (16 U.S.C. 742f), or

‘(C) section 6 of the Endangered Species Act (16 U.S.C. 11531 et seq.), or

‘(D) the Partners for Fish and Wildlife Act (Pub. L. No. 109-294), or

‘(E) Title V of the Cooperative Conservation Enhancement Act of 2007,

or any program administered by the Secretary of the Interior that is determined by the Secretary of the Treasury or his delegate to be substantially similar to the types of programs listed in this paragraph.’

(b) EXCLUDABLE PORTION- Subparagraph (A) of section 126(b)(1) is amended by inserting after ‘Secretary of Agriculture’ the following: ‘(the Secretary of the Interior, in the case

of the cooperative assistance programs described in subsection (a)(10) and the programs described in subsection (a)(11) that are implemented by the Department of the Interior’.

(c) EFFECTIVE DATE- The amendments made by this section shall apply to amounts received after December 31, 2007, in taxable years ending after such date.

## **SEC. 505. CONSULTATION WITH STATE PLANS.**

In evaluating proposals for wildlife conservation grants under programs administered by the Department, including, but not limited to, grants and financial assistance authorized under Title V of this Act, the Secretary shall, where appropriate, consult the State Comprehensive Conservation Plans required under the State and Tribal Wildlife Grant Program and coordinate with state fish and wildlife agencies in the planning and implementation of the actions identified in those Plans.

## **TITLE VI – CONFLICT RESOLUTION**

### **SEC. 601. ALTERNATIVE DISPUTE RESOLUTION OFFICE**

(a) IN GENERAL.— (1) The Secretary shall establish within the Department of the Interior an Office of Collaborative Action and Dispute Resolution to promote and advance the appropriate use of collaborative problem-solving and alternative dispute resolution processes in all bureaus and offices.

(2) This Office shall coordinate efforts of the Department to increase the use of early consensus-building, alternative dispute resolution processes, and negotiated rulemaking consistent with existing laws, regulations, and policies.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out the program described in this section.



## **TITLE VII -- MISCELLANEOUS PROVISIONS**

### **SEC. 701. SAVINGS PROVISION**

Nothing contained in this Act shall be construed or applied to supersede any other provision of federal or state law.

### **SEC. 702. SEVERABILITY PROVISION**

If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid by a court of competent jurisdiction, the application of such provision to other persons or circumstances, and the remainder of this Act shall not be affected thereby.

### **SEC. 703. REGULATIONS**

The Secretary is authorized to prescribe such regulations as are necessary to carry out the terms of this Act.